

Interview Summary

Application No.
09/199,874

Applicant(s)
Segre et al.

Examiner
Michael Pak

Art Unit
1646



All participants (applicant, applicant's representative, PTO personnel):

(1) Michael Pak (Ex)

(3) Todd Garcia (App Rep.)

(2) Janis Fraser (App. Rep.)

(4) _____

Date of Interview Aug 15, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: Pending

Identification of prior art discussed:

"828 Patent

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant requested the rejoinder of claims 40 and 58 because claim 40 appears to be a subgeneric to claim 58.

Examiner discussed the terms "compete" vs. "inhibit" in the preamble and discussed rejoining if claim 40 is amended to clearly suggest a subgenus using terms such as "competitive inhibition" or "inhibition" in both claims 40 and 58 as long as it is supported by the specification. However, examiner indicated that the next action will be made final. Applicant discussed the term "essentially purified preparation" on page 5 of the specification as possible amendment to overcome the 35 USC 102 rejection. in combination with a limitation drawn to a polypeptide produced by a recombinant cell transfected with the DNA encoding the polypeptide. Applicant discussed the 35 USC 112 P2 rejection drawn to "naturally occurring PTH receptor" and "PTH receptor." Examiner indicated that the metes and bounds of the terms are not clear because there is no structural limitation except that it is a polypeptide. (Continued on attachment.)

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Michael D. Pak
Examiner's signature, if required

Attachment to the Interview Summary

(Continued from previous page) Applicant argued that the terms "PTH receptor" by itself is clear because the term is well known to one of skilled in the art. Examiner suggested the applicant clarify the rejection of term "naturally occurring" with supervisor Yvonne Eyler. Applicant discussed the 35 USC 112 P1, written description rejection as having a different fact pattern from Eli Lilly case law because the present application provides several species from human, rat, and Opposum whereas Lilly only had one species.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 8:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Michael D. Pak
Primary Patent Examiner
Art Unit 1646
15 August 2002